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LEGISLATIVE HISTORY

Public Law 310--78th Congress

Chapter 204--2d Session

S. 1618

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DIGEST OF PUBLIC LAW 310

DISPOSITION OF FOREST RECEIPTS. Amends several acts which authorize appropriation of receipts from certain national forests for the purchase of lands, to provide that any such receipts not appropriated or appropriated but not expended or obligated shall be disposed of in the same manner as other national forest receipts.

INDEX AND SUMMARY OF HISTORY ON S. 1618.

January 11, 1944	S. 1618 introduced by Senator Thomas and referred to the Senate Committee on Public Lands and Surveys. Print of the bill as introduced.
February 23, 1944	Senate Committee reported S. 1618 without amendment. Senate Report 720. Print of the bill as reported.
March 14, 1944	Discussed and passed Senate as reported.
March 16, 1944	Referred to the House Committee on Agriculture.
May 4, 1944	House Committee reported S. 1618 without amendment. House Report 1416. Print of the bill as reported.
May 15, 1944	Discussed and passed House as reported.
May 26, 1944	Approved. Public Law 310.

78TH CONGRESS
2^D SESSION

S. 1618

IN THE SENATE OF THE UNITED STATES

JANUARY 11, 1944

Mr. THOMAS of Utah introduced the following bill; which was read twice and referred to the Committee on Public Lands and Surveys

A BILL

To amend the Acts of August 26, 1935 (49 Stat. 866), May 11, 1938 (52 Stat. 347), June 15, 1938 (52 Stat. 699), and June 25, 1938 (52 Stat. 1205), which authorizes the appropriation of receipts from certain national forests for the purchase of lands within the boundaries of such forests, to provide that any such receipts not appropriated or appropriated but not expended or obligated shall be disposed of in the same manner as other national forest receipts, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the Act of August 26, 1935 (49 Stat. 866), which
- 4 authorizes the appropriation of receipts from the Uinta and
- 5 Wasatch National Forests for the purchase of lands in the

1 State of Utah within the boundaries of said national forests,
2 is hereby amended to read as follows:

3 “The Secretary of Agriculture, with the approval of the
4 National Forest Reservation Commission established by sec-
5 tion 4 of the Act of March 1, 1911 (16 U. S. C. 513), is
6 hereby authorized to acquire by purchase any lands within
7 the boundaries of the Uinta and Wasatch National Forests,
8 in the State of Utah, which, in his judgment, should become
9 the property of the United States in order that they may be
10 so managed with other lands of the United States as to
11 minimize soil erosion and flood damage, and to pay for said
12 lands from the receipts derived from the sale of natural
13 resources, other than mineral, and the occupancy of publicly
14 owned lands within said national forests, which receipts are
15 hereby authorized to be appropriated for that purpose until
16 said lands have been acquired; all lands so acquired there-
17 after to be subject to and administered under the laws ap-
18 plicable to lands acquired under the provisions of said Act
19 of March 1, 1911 (16 U. S. C., 519, 520, 521), as amended:
20 *Provided*, That the provisions of sections 500 and 501 of
21 title 16 of the United States Code shall not be applicable
22 to receipts so appropriated and expended. Nothing con-
23 tained in this Act, however, shall diminish payments to or
24 expenditures within the State of Wyoming under the provi-
25 sions of said sections; and any appropriated amounts which

1 are, or which heretofore have been, unexpended and unobli-
2 gated at the close of the fiscal year for which appropriated
3 shall be transferred to the national forest receipts of that
4 fiscal year, and amounts so transferred and such portions of
5 the receipts of any fiscal year as are not, or heretofore have
6 not been, appropriated for the ensuing fiscal year shall be
7 disposed of in the same manner as other national forest
8 receipts.”

9 SEC. 2. The Act of May 11, 1938 (52 Stat. 347),
10 which authorizes the appropriation of receipts from the
11 Cache National Forest for the purchase of lands in the State
12 of Utah within the boundaries of said national forest, is
13 hereby amended to read as follows:

14 “The Secretary of Agriculture, with the approval of
15 the National Forest Reservation Commission established by
16 section 4 of the Act of March 1, 1911 (16 U. S. C. 513),
17 is hereby authorized to acquire by purchase any lands within
18 the boundaries of the Cache National Forest in the State
19 of Utah which, in his judgment, should become the prop-
20 erty of the United States in order that they may be so
21 managed with other lands of the United States to minimize
22 soil erosion and flood damage; and to pay for said lands
23 from that proportion of the receipts derived from the sale
24 of natural resources, other than mineral, and the occupancy
25 of publicly owned lands within said national forest which

1 is equal to that proportion of the gross area of said national
2 forest situated in the State of Utah which receipts are
3 hereby authorized to be appropriated for expenditure for that
4 purpose until said lands have been acquired; all lands so
5 acquired thereafter to be subject to and administered under
6 the laws applicable to lands acquired under the provisions
7 of said Act of March 1, 1911 (16 U. S. C., 519, 520, 521),
8 as amended: *Provided*, That the provisions of sections 500
9 and 501 of title 16 of the United States Code shall not be
10 applicable to receipts so appropriated and expended.
11 Nothing contained in this Act, however, shall diminish pay-
12 ments to or expenditures within the State of Idaho under
13 the provisions of said sections; and any appropriated amounts
14 which are, or which heretofore have been, unexpended and
15 unobligated at the close of the fiscal year for which appro-
16 priated shall be transferred to the national-forest receipts
17 of that fiscal year, and amounts so transferred and such
18 portions of the receipts of any fiscal year as are not, or
19 heretofore have not been, appropriated for the ensuing fiscal
20 year shall be disposed of in the same manner as other national
21 forest receipts."

22 SEC. 3. The Act of June 15, 1938 (52 Stat. 699),
23 which authorizes the appropriation of receipts from the San
24 Bernardino and Cleveland National Forests for the purchase
25 of lands in the county of Riverside, State of California,

1 within the boundaries of said national forests, is hereby
2 amended to read as follows:

3 “The Secretary of Agriculture, with the approval of the
4 National Forest Reservation Commission established by sec-
5 tion 4 of the Act of March 1, 1911 (16 U. S. C. 513), is
6 hereby authorized to acquire by purchase any lands within
7 the boundaries of the San Bernardino and Cleveland Na-
8 tional Forests, in the county of Riverside, State of Cali-
9 fornia, which, in his judgment, should become the property
10 of the United States in order that they may be so man-
11 aged with other lands of the United States as to minimize
12 soil erosion and flood damage, and to pay for said lands from
13 those proportions of the receipts derived from the sale of
14 natural resources, other than mineral, and the occupancy of
15 publicly owned lands within said national forests which are
16 equal to the proportions of the net areas of said national
17 forests situated in the county of Riverside, State of California,
18 which receipts are hereby authorized to be appropriated for
19 expenditure for that purpose until said lands have been ac-
20 quired; all lands so acquired thereafter to be subject to and
21 administered under the laws applicable to lands acquired
22 under the provisions of said Act of March 1, 1911 (16
23 U. S. C. 519, 520, 521), as amended: *Provided*, That
24 the provisions of sections 500 and 501 of title 16 of the
25 United States Code shall not be applicable to receipts so

1 appropriated and expended, but any appropriated amounts
2 which are, or which heretofore have been, unexpended and
3 unobligated at the close of the fiscal year for which appro-
4 priated shall be transferred to the national forest receipts of
5 that fiscal year, and amounts so transferred and such por-
6 tions of the receipts of any fiscal year as are not, or hereto-
7 fore have not been, appropriated, for the ensuing fiscal year
8 shall be disposed of in the same manner as other national-
9 forest receipts: *Provided further*, That the amounts to which
10 the county of Riverside would otherwise be entitled under
11 section 500 of title 16 of the United States Code shall be
12 reduced by the amounts by which payments to the State for
13 distribution to counties under that section are reduced pur-
14 suant to the above proviso.”

15 SEC. 4. The Act of June 25, 1938 (52 Stat. 1205),
16 which authorizes the appropriation of receipts from the
17 Nevada and Toiyabe National Forests for the purchase of
18 lands in the State of Nevada within the boundaries of said
19 national forests, is hereby amended to read as follows:

20 “The Secretary of Agriculture is hereby authorized to
21 acquire by purchase any lands within the boundaries of the
22 Nevada and Toiyabe National Forests in the State of Ne-
23 vada which, in his judgment, should become the property
24 of the United States in order that they may be so managed
25 with other lands of the United States as to minimize soil

1 erosion and flood damage or promote efficiency and economy
2 of administration, and to pay for said lands from the receipts
3 derived from the sale of natural resources, other than mineral,
4 and the occupancy of publicly owned lands within said
5 national forests, which receipts are hereby authorized to be
6 appropriated for that purpose to the extent of amounts not
7 exceeding \$10,000 per annum until said lands have been
8 acquired; all lands so acquired thereafter to be subject to
9 and administered under the laws applicable to lands acquired
10 under the provisions of said Act of March 1, 1911 (16
11 U. S. C. 519, 520, 521), as amended: *Provided*, That the
12 provisions of sections 500 and 501 of title 16 of the United
13 States Code shall not be applicable to receipts so appro-
14 priated and expended. Any appropriated amounts which are,
15 or which heretofore have been, unexpended and unobligated
16 at the close of the fiscal year for which appropriated shall
17 be transferred to the national forest receipts of that fiscal
18 year, and amounts so transferred and such portions of the
19 receipts of any fiscal year as are not, or heretofore have not
20 been, appropriated for the ensuing fiscal year shall be dis-
21 posed of in the same manner as other national-forest receipts."

78TH CONGRESS
2d Session

S. 1618

A BILL

To amend the Acts of August 26, 1935 (49 Stat. 866), May 11, 1938 (52 Stat. 347), June 15, 1938 (52 Stat. 699), and June 25, 1938 (52 Stat. 1205), which authorize the appropriation of receipts from certain national forests for the purchase of lands within the boundaries of such forests, to provide that any such receipts not appropriated or appropriated but not expended or obligated shall be disposed of in the same manner as other national forest receipts, and for other purposes.

By Mr. THOMAS of Utah

JANUARY 11, 1944

Read twice and referred to the Committee on Public
Lands and Surveys

APPROPRIATION OF RECEIPTS FROM CERTAIN NATIONAL FORESTS FOR THE PURCHASE OF LANDS WITHIN THE BOUNDARIES OF SUCH FORESTS

FEBRUARY 23 (legislative day, FEBRUARY 7), 1944.—Ordered to be printed

Mr. HATCH, from the Committee on Public Lands and Surveys,
submitted the following

REPORT

[To accompany S. 1618]

The Committee on Public Lands and Surveys, to whom was referred the bill (S. 1618) to amend the acts of August 26, 1935 (49 Stat. 866), May 11, 1938 (52 Stat. 347), June 15, 1938 (52 Stat. 699), and June 25, 1938 (52 Stat. 1205), which authorizes the appropriation of receipts from certain national forests for the purchase of lands within the boundaries of such forests, to provide that any such receipts not appropriated or appropriated but not expended or obligated shall be disposed of in the same manner as other national forest receipts, and for other purposes, having considered the same, report favorably thereon without amendment and with the recommendation that it do pass.

A detailed explanation as to the aims and purposes of this bill is carried in the favorable report of the Department of Agriculture, which is hereinbelow set forth in full and made a part of this report.

DEPARTMENT OF AGRICULTURE,
Washington, February 19, 1944.

HON. CARL A. HATCH,

Chairman, Senate Committee on Public Lands and Surveys.

DEAR SENATOR HATCH: This is in further reply to Mr. McMains' letter of January 12, in which he requested a statement from this Department as to the bill, S. 1618, which would amend certain described acts which authorize the appropriation of receipts from certain national forests for the purchase of lands within the boundaries thereof.

Within certain parts of the Uinta, Wasatch, and Cache National Forests in Utah, the Cleveland and San Bernardino National Forests in California, and the Nevada and Toiyabe National Forests in Nevada there were certain lands in private ownership of which the use was so heavy as to aggravate flood damage

or so incompatible with the use of the related national forest lands as to make their acquisition and management by the United States essential to the most beneficial use of the national forests named.

Doubt existed as to the applicability to such lands of the provisions of the act of March 1, 1911 (36 Stat. 961) as amended, because their management was not directly related to the maintenance of navigability of navigable streams or because their capacity for the commercial production of timber was debatable.

The various local parties in interest, therefore, sought other means whereby the lands in question could be placed in the ownership and control of the United States and managed in common with the already existing national forest lands.

The practicable approach seemed to be the enactment of legislation which would authorize the appropriation by the Congress, from time to time as circumstances warranted, of certain parts of the receipts from the specific national forests which, following appropriation, could be expended by the Secretary of Agriculture for the acquisition of the lands in question. Such legislation, therefore, was sponsored by the Senators and Representatives concerned and ultimately resulted in the enactment of the four acts specifically described in the title to the bill S. 1618. The subsequent action under authority of the said four acts is as indicated below:

ACT OF AUG. 26, 1936 (49 STAT. 866) IN RELATION TO UINTA-WASATCH NATIONAL FORESTS

Fiscal year	Amount of receipts subsequent to passage of act	Amount appropriated by Congress for land acquisition since passage of act ¹	Amount of appropriation expended or obligated for land acquisition ²	Part of receipts not expended or obligated
1936.....	\$63,263.78	\$47,714.85	\$45,940.78	\$17,323.00
1937.....	58,732.86	50,000.00	39,988.02	18,744.84
1938.....	72,389.53	50,000.00	48,858.79	23,530.74
1939.....	71,285.23	40,000.00	39,793.29	31,491.94
1940.....	68,900.91	40,000.00	39,699.14	29,201.77
1941.....	68,019.18	40,000.00	38,062.97	29,956.21
1942.....	75,377.64	0	-----	75,377.64
1943.....	85,482.81	0	-----	85,482.81
	563,451.94	267,714.85	252,342.99	311,108.95

ACT OF MAY 11, 1938 (52 STAT. 347) IN RELATION TO PORTION OF CACHE NATIONAL FOREST IN STATE OF UTAH

1939.....	\$15,515.02	\$6,000.00	\$5,881.41	\$9,633.61
1940.....	13,664.51	6,000.00	5,891.52	7,772.99
1941.....	13,883.48	10,000.00	8,530.85	5,352.63
1942.....	15,304.14	0	-----	15,304.14
1943.....	17,471.36	0	-----	17,471.36
Total.....	75,838.51	22,000.00	20,303.78	55,534.73

ACT OF JUNE 15, 1938 (52 STAT. 699) IN RELATION TO PORTIONS OF CLEVELAND AND SAN BERNARDINO NATIONAL FORESTS SITUATED IN RIVERSIDE COUNTY

1939.....	\$13,542.93	\$13,542.93	\$98.00	\$13,444.93
1940.....	12,903.73	12,903.73	0	12,903.73
1941.....	13,865.49	13,865.49	0	13,865.49
1942.....	13,661.07	0	-----	13,661.07
1943.....	13,928.78	0	-----	13,928.78
Total.....	67,902.00	40,312.15	98.00	67,804.00

¹ Appropriations made during fiscal year next succeeding derivation of receipts.

² Expenditures or obligations during year for which appropriation made.

ACT OF JUNE 25, 1938 (52 STAT. 1295) IN RELATION TO NEVADA AND TOIYABE NATIONAL FORESTS IN THE STATE OF NEVADA

Fiscal year	Amount of receipts subsequent to passage of act	Amount appropriated by Congress for land acquisition since passage of act	Amount of appropriation expended or obligated for land acquisition	Part of receipts not expended or obligated
1939.....	\$10,000.00	\$10,000.00	\$450.30	\$9,549.70
1940.....	10,000.00	10,000.00	9,693.94	306.06
1941.....	10,000.00	10,000.00	9,206.20	793.80
1942.....	10,000.00	0	10,945.70	— 46.70
1943.....	10,000.00	0	594.20	9,405.80
Total.....	50,000.00	30,000.00	29,991.34	20,008.66

Under the provisions of the act of May 23, 1908, 25 percent of the gross receipts shown in the preceding tabulations normally would have been payable to the States for distribution to the various counties in which the national forests are situated. It was understood that the passage by Congress of the several acts cited would withdraw from distribution under the act of May 23, 1908, the part of the national forest receipts which actually was appropriated and expended or obligated but that the act of May 23, 1908, would continue to apply to the parts of the national forest receipts which were not appropriated and expended or obligated.

That was the general assumption or understanding which prevailed at the time the officials of the various counties concerned expressed their approval of or acquiescence in the bills under which appropriations for land acquisition were authorized. If this understanding had prevailed one-fourth of the sums listed in the fourth column of the tabulations above would ultimately have accrued to the several counties as partial contributions to the cost of local government. Parenthetically it may be observed that while the amounts which would thus have been paid to particular counties would not have been large, nevertheless they are markedly important in the budgets of those counties, and the failure to receive such payments has been a source of grave concern to the counties.

But the Comptroller General of the United States in Decision A-89,669, dated June 6, 1939, held that the authorizations to appropriate the receipts for acquisition of lands operated to suspend, with respect to the designated forests, the laws relating to the distribution of national-forest receipts until such time as the land-acquisition program is completed; that so long as any lands within the boundaries of the designated national forests remained in ownership other than Federal, the unexpended portions of the national-forest receipts for every fiscal year subsequent to the passage of the authorizing acts would continue to be subject to appropriation by the Congress.

One suggestion for meeting the situation was a certification by the Secretary of Agriculture that the acquisition program in a designated forest had been wholly completed and that consequently no further appropriations under the authorizing act would be necessary. But so long as any private land remains within a national forest there is always the possibility that it will be found also essential to the efficient administration of the national forest as to dictate or require its Federal ownership and management.

The effect of the Comptroller General's ruling thus far has been and may continue indefinitely to be to withhold from the counties concerned the shares of the national forest receipts payable to them under the provisions of the act of May 23, 1908, regardless of the fact that only portions of the receipts of earlier fiscal years had been appropriated and that even smaller parts thereof had been expended or obligated, or of the fact that no lands are now being purchased and that no receipts are now being appropriated.

The subject has received extended consideration by this Department, the Bureau of the Budget, and the Office of the Comptroller General. Aside from some minor amendments which more clearly define the status of the lands acquired with funds appropriated under the authorizing acts, the bill S. 1618 now before your committee is in the form agreed to by the Bureau of the Budget and the Comptroller General. The initial draft of the agreed legislation was transmitted to the Vice President and to the Speaker of the House by letters

dated October 31, 1941. The result was the introduction in the Seventy-seventh Congress, first session, of the bills S. 2436 and H. R. 5970. However, the Seventy-seventh Congress adjourned without enacting either bill.

The major consequence of the enactment of S. 1618 would be the payment to the States for distribution to the various counties concerned under the provisions of the act of May 23, 1908, of one-quarter of the various sums shown in column 4 of the preceding tabulations. The amounts thus paid will be those parts of the sums which would have been paid to the same counties if the four acts authorizing appropriations of receipts had not been enacted. The difference between the sums so to be paid if S. 1618 becomes a law and the sums which would have been paid if the four authorizing bills had not been enacted represents in effect the contributions made by the several counties toward the cost of vesting in Federal ownership the lands which thus far have been acquired under the provisions of the several receipts acts.

The deviation from the earlier draft, to which reference was made above, is inspired by the fact that the original acts did not adequately prescribe the conditions of use and disposal which should be applicable to the lands acquired under their terms. In the opinion of this Department the lands so acquired should be subject to the same conditions of use and disposal as are applicable to lands acquired under the Weeks law, the act of March 1, 1911. Accordingly language to that effect has been interpolated on page 2, lines 16 to 19; page 4, lines 4 to 8; page 5, lines 20 to 23 and page 7, lines 8 to 11.

The bill S. 1618, in its present form, will clarify the ambiguities of the several acts to which it refers and will permit the counties which contain the described national forests equitably to share in the receipts therefrom in the manner contemplated by and under the provisions of the act of May 23, 1908 (35 Stat. 260; 16 U. S. C. 500). The enactment of the bill is therefore strongly recommended by this Department.

The Bureau of the Budget advises that it has no objection to the submission of this report.

Sincerely,

GROVER B. HILL,
Assistant Secretary.



Calendar No. 731

78TH CONGRESS
2D SESSION

S. 1618

[Report No. 720]

IN THE SENATE OF THE UNITED STATES

JANUARY 11, 1944

Mr. THOMAS of Utah introduced the following bill; which was read twice and referred to the Committee on Public Lands and Surveys

FEBRUARY 23 (legislative day, FEBRUARY 7), 1944

Reported by Mr. HATCH, without amendment

A BILL

To amend the Acts of August 26, 1935 (49 Stat. 866), May 11, 1938 (52 Stat. 347), June 15, 1938 (52 Stat. 699), and June 25, 1938 (52 Stat. 1205), which authorizes the appropriation of receipts from certain national forests for the purchase of lands within the boundaries of such forests, to provide that any such receipts not appropriated or appropriated but not expended or obligated shall be disposed of in the same manner as other national-forest receipts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Act of August 26, 1935 (49 Stat. 866), which
4 authorizes the appropriation of receipts from the Uinta and
5 Wasatch National Forests for the purchase of lands in the

1 State of Utah within the boundaries of said national forests,
2 is hereby amended to read as follows:

3 “The Secretary of Agriculture, with the approval of the
4 National Forest Reservation Commission established by sec-
5 tion 4 of the Act of March 1, 1911 (16 U. S. C. 513), is
6 hereby authorized to acquire by purchase any lands within
7 the boundaries of the Uinta and Wasatch National Forests,
8 in the State of Utah, which, in his judgment, should become
9 the property of the United States in order that they may be
10 so managed with other lands of the United States as to
11 minimize soil erosion and flood damage, and to pay for said
12 lands from the receipts derived from the sale of natural
13 resources, other than mineral, and the occupancy of publicly
14 owned lands within said national forests, which receipts are
15 hereby authorized to be appropriated for that purpose until
16 said lands have been acquired; all lands so acquired there-
17 after to be subject to and administered under the laws ap-
18 plicable to lands acquired under the provisions of said Act
19 of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended:
20 *Provided*, That the provisions of sections 500 and 501 of
21 title 16 of the United States Code shall not be applicable
22 to receipts so appropriated and expended. Nothing con-
23 tained in this Act, however, shall diminish payments to or
24 expenditures within the State of Wyoming under the provi-
25 sions of said sections; and any appropriated amounts which

1 are, or which heretofore have been, unexpended and unobli-
2 gated at the close of the fiscal year for which appropriated
3 shall be transferred to the national-forest receipts of that
4 fiscal year, and amounts so transferred and such portions of
5 the receipts of any fiscal year as are not, or heretofore have
6 not been, appropriated for the ensuing fiscal year shall be
7 disposed of in the same manner as other national-forest
8 receipts.”

9 SEC. 2. The Act of May 11, 1938 (52 Stat. 347),
10 which authorizes the appropriation of receipts from the
11 Cache National Forest for the purchase of lands in the State
12 of Utah within the boundaries of said national forest, is
13 hereby amended to read as follows:

14 “The Secretary of Agriculture, with the approval of
15 the National Forest Reservation Commission established by
16 section 4 of the Act of March 1, 1911 (16 U. S. C. 513),
17 is hereby authorized to acquire by purchase any lands within
18 the boundaries of the Cache National Forest in the State
19 of Utah which, in his judgment, should become the prop-
20 erty of the United States in order that they may be so
21 managed with other lands of the United States to minimize
22 soil erosion and flood damage; and to pay for said lands
23 from that proportion of the receipts derived from the sale
24 of natural resources, other than mineral, and the occupancy
25 of publicly owned lands within said national forest which

1 is equal to that proportion of the gross area of said national
2 forest situated in the State of Utah which receipts are
3 hereby authorized to be appropriated for expenditure for that
4 purpose until said lands have been acquired; all lands so
5 acquired thereafter to be subject to and administered under
6 the laws applicable to lands acquired under the provisions
7 of said Act of March 1, 1911 (16 U. S. C., 519, 520, 521),
8 as amended: *Provided*, That the provisions of sections 500
9 and 501 of title 16 of the United States Code shall not be
10 applicable to receipts so appropriated and expended.
11 Nothing contained in this Act, however, shall diminish pay-
12 ments to or expenditures within the State of Idaho under
13 the provisions of said sections; and any appropriated amounts
14 which are, or which heretofore have been, unexpended and
15 unobligated at the close of the fiscal year for which appro-
16 priated shall be transferred to the national-forest receipts
17 of that fiscal year, and amounts so transferred and such
18 portions of the receipts of any fiscal year as are not, or
19 heretofore have not been, appropriated for the ensuing fiscal
20 year shall be disposed of in the same manner as other national-
21 forest receipts."

22 SEC. 3. The Act of June 15, 1938 (52 Stat. 699),
23 which authorizes the appropriation of receipts from the San
24 Bernardino and Cleveland National Forests for the purchase
25 of lands in the county of Riverside, State of California,

1 within the boundaries of said national forests, is hereby
2 amended to read as follows:

3 "The Secretary of Agriculture, with the approval of the
4 National Forest Reservation Commission established by sec-
5 tion 4 of the Act of March 1, 1911 (16 U. S. C. 513), is
6 hereby authorized to acquire by purchase any lands within
7 the boundaries of the San Bernardino and Cleveland Na-
8 tional Forests, in the county of Riverside, State of Cali-
9 fornia, which, in his judgment, should become the property
10 of the United States in order that they may be so man-
11 aged with other lands of the United States as to minimize
12 soil erosion and flood damage, and to pay for said lands from
13 those proportions of the receipts derived from the sale of
14 natural resources, other than mineral, and the occupancy of
15 publicly owned lands within said national forests which are
16 equal to the proportions of the net areas of said national
17 forests situated in the county of Riverside, State of California,
18 which receipts are hereby authorized to be appropriated for
19 expenditure for that purpose until said lands have been ac-
20 quired; all lands so acquired thereafter to be subject to and
21 administered under the laws applicable to lands acquired
22 under the provisions of said Act of March 1, 1911 (16
23 U. S. C. 519, 520, 521), as amended: *Provided*, That
24 the provisions of sections 500 and 501 of title 16 of the
25 United States Code shall not be applicable to receipts so

1 appropriated and expended, but any appropriated amounts
2 which are, or which heretofore have been, unexpended and
3 unobligated at the close of the fiscal year for which appro-
4 priated shall be transferred to the national-forest receipts of
5 that fiscal year, and amounts so transferred and such por-
6 tions of the receipts of any fiscal year as are not, or hereto-
7 fore have not been, appropriated, for the ensuing fiscal year
8 shall be disposed of in the same manner as other national-
9 forest receipts: *Provided further*, That the amounts to which
10 the county of Riverside would otherwise be entitled under
11 section 500 of title 16 of the United States Code shall be
12 reduced by the amounts by which payments to the State for
13 distribution to counties under that section are reduced pur-
14 suant to the above proviso.”

15 SEC. 4. The Act of June 25, 1938 (52 Stat. 1205),
16 which authorizes the appropriation of receipts from the
17 Nevada and Toiyabe National Forests for the purchase of
18 lands in the State of Nevada within the boundaries of said
19 national forests, is hereby amended to read as follows:

20 “The Secretary of Agriculture is hereby authorized to
21 acquire by purchase any lands within the boundaries of the
22 Nevada and Toiyabe National Forests in the State of Ne-
23 vada which, in his judgment, should become the property
24 of the United States in order that they may be so managed
25 with other lands of the United States as to minimize soil

1 erosion and flood damage or promote efficiency and economy
2 of administration, and to pay for said lands from the receipts
3 derived from the sale of natural resources, other than mineral,
4 and the occupancy of publicly owned lands within said
5 national forests, which receipts are hereby authorized to be
6 appropriated for that purpose to the extent of amounts not
7 exceeding \$10,000 per annum until said lands have been
8 acquired; all lands so acquired thereafter to be subject to
9 and administered under the laws applicable to lands acquired
10 under the provisions of said Act of March 1, 1911 (16
11 U. S. C. 519, 520, 521), as amended: *Provided*, That the
12 provisions of sections 500 and 501 of title 16 of the United
13 States Code shall not be applicable to receipts so appro-
14 priated and expended. Any appropriated amounts which are,
15 or which heretofore have been, unexpended and unobligated
16 at the close of the fiscal year for which appropriated shall
17 be transferred to the national-forest receipts of that fiscal
18 year, and amounts so transferred and such portions of the
19 receipts of any fiscal year as are not, or heretofore have not
20 been, appropriated for the ensuing fiscal year shall be dis-
21 posed of in the same manner as other national-forest receipts.”

78TH CONGRESS
2d Session

S. 1618

[Report No. 720]

A BILL

To amend the Acts of August 26, 1935 (49 Stat. 866), May 11, 1938 (52 Stat. 347), June 15, 1938 (52 Stat. 699), and June 25, 1938 (52 Stat. 1205), which authorizes the appropriation of receipts from certain national forests for the purchase of lands within the boundaries of such forests, to provide that any such receipts not appropriated or appropriated but not expended or obligated shall be disposed of in the same manner as other national forest receipts, and for other purposes.

By Mr. THOMAS of Utah

JANUARY 11, 1944

Read twice and referred to the Committee on Public Lands and Surveys

FEBRUARY 23 (legislative day, FEBRUARY 7), 1944

Reported without amendment

thereof, and if it is found that the conditions existing at any such factory do not meet the standards prescribed by the Secretary in his regulations, he shall cause inspection to be withdrawn therefrom.

"(d) The Secretary of Agriculture is authorized to withdraw inspection from any factory wherein process or renovated butter is made, if the manufacturer shall fail to comply with any of the provisions of this section or with any of the rules and regulations prescribed hereunder.

"(e) The Secretary of Agriculture is authorized to make such rules and regulations as he deems necessary for the efficient administration of the provisions of this section, and all inspections hereunder shall be made in such manner as may be prescribed in such regulations. The Secretary of Agriculture may, from time to time, by regulations define the foreign substances and the extent thereof that render the ingredients unfit for use in manufacturing process or renovated butter.

"(f) The Secretary of Agriculture shall cause to be ascertained, and he shall report, from time to time, the quantity and quality of all process or renovated butter manufactured and the character and condition of the materials from which it is made.

"(g) No person, firm, or corporation shall forge, counterfeit, simulate, falsely represent, detach, or knowingly alter, deface, or destroy, or use without proper authority, any of the marks, stamps, labels, or tabs provided for in this section or in any regulations prescribed hereunder by the Secretary of Agriculture for use on process or renovated butter or on wrappers, packages, containers, or cases in which the product is contained, or any certificate in relation thereto.

"(h) All process or renovated butter and the packages or containers thereof shall be marked with the words 'Process Butter' and by such other marks, labels, or brands, and in such manner, as may be prescribed by the Secretary of Agriculture.

"(i) No statement that is false or misleading in any particular shall be placed on or affixed to any wrapper, label, carton, or container of process or renovated butter.

"(j) No person, firm, or corporation shall transport, or offer for transportation, or sell or offer for sale, in interstate or foreign commerce, or in commerce affecting commerce among the States, any process or renovated butter that has not been inspected and passed and marked, labeled, and branded in accordance with this section and the regulations issued hereunder.

"(k) The administration and enforcement of the provisions of this act, other than its provisions relating to revenue, but including the seizure and denaturing or destruction of ingredients intended to be used in the manufacture of process or renovated butter and the denaturing or destruction of process or renovated butter, are committed exclusively to the Secretary of Agriculture: *Provided*, That any powers and duties of the Food and Drug Administration of the Federal Security Agency under the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C., 1940 edition, 301, and the following), as regards such ingredients before they come into the possession of the manufacturers of process or renovated butter, or as regards such powers and duties in connection with process or renovated butter after it leaves such manufacturers and comes into the hands of wholesale or retail dealers, or others, shall not be affected by this act."

SEC. 2. Subsection (c) of section 2326 of the Internal Revenue Code (53 Stat. 255) is amended by striking out "shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment for not less than 1 month nor more than 6 months, or by both said punishments," and by inserting in lieu thereof the following, "Shall be punished by a fine of not more than \$1,000 or by imprisonment for a period of not more than 6

months, or by both such fine and imprisonment."

SEC. 3. Section 2327 of the Internal Revenue Code (53 Stat. 255) is amended by striking out subsections (b) and (c) of said section.

SEC. 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application of such provision to other persons or circumstances shall not be affected thereby.

RIGHT-OF-WAY FOR OIL PIPE LINE OVER OGDEN ORDNANCE DEPOT MILITARY RESERVATION

The bill (H. R. 1488) to provide a right-of-way for an oil pipe line over the Ogden Ordnance Depot Military Reservation was considered, ordered to a third reading, read the third time, and passed.

CARL F. R. WILSON

The bill (H. R. 3547) for the relief of Carl F. R. Wilson was considered, ordered to a third reading, read the third time, and passed.

ROBERT BECKWITH, JULIUS BUETTNER,
AND EMMA M. BUETTNER

The bill (H. R. 1469) for the relief of Robert Beckwith, Julius Buettner, and Emma M. Buettner was considered, ordered to a third reading, read the third time, and passed.

LEO GULLO

The bill (H. R. 2999) for the relief of Leo Gullo was considered, ordered to a third reading, read the third time, and passed.

LEGAL GUARDIAN OF RICHARD ZIELINSKI,
A MINOR

The bill (H. R. 1847) for the relief of the legal guardian of Richard Zielinski, a minor, was considered, ordered to a third reading, read the third time, and passed.

KENNETH E. SHEPARD

The bill (H. R. 2189) for the relief of Kenneth E. Shepard was considered, ordered to a third reading, read the third time, and passed.

MRS. BESSIE PIKE AND MRS. ESTELLE
ROSENFELD

The bill (H. R. 1518) for the relief of Mrs. Bessie Pike and Mrs. Estelle Rosenfeld was considered, ordered to a third reading, read the third time, and passed.

MILDRED B. HAMPTON

The Senate proceeded to consider the bill (H. R. 1412) for the relief of Mildred B. Hampton, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$1,000" and insert "\$487.50."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

MRS. GLADYS M. GREENLEAF AND THE
ESTATE OF RALPH ALTON GREENLEAF,
DECEASED

The bill (H. R. 2091) for the relief of Mrs. Gladys M. Greenleaf and the estate of Ralph Alton Greenleaf, deceased, was considered, ordered to a third reading, read the third time, and passed.

PROTECTION OF WATER SUPPLY OF SITKA, ALASKA

The bill (H. R. 2956) for the protection of the water supply of the city of Sitka, Alaska, was considered, ordered to a third reading, read the third time, and passed.

APPROPRIATION OF RECEIPTS FROM NATIONAL FORESTS FOR PURCHASE OF FOREST LANDS

The bill (S. 1618) to amend the acts of August 26, 1935 (49 Stat. 866), May 11, 1938 (52 Stat. 347), June 15, 1938 (52 Stat. 699), and June 25, 1938 (52 Stat. 1205), which authorizes the appropriation of receipts from certain national forests for the purchase of lands within the boundaries of such forests, to provide that any such receipts not appropriated or appropriated but not expended or obligated shall be disposed of in the same manner as other national-forest receipts, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act of August 26, 1935 (49 Stat. 866), which authorizes the appropriation of receipts from the Uinta and Wasatch National Forests for the purchase of lands in the State of Utah within the boundaries of said national forests, is hereby amended to read as follows:

"The Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the act of March 1, 1911 (16 U. S. C. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the Uinta and Wasatch National Forests, in the State of Utah, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands from the receipts derived from the sale of natural resources, other than mineral, and the occupancy of publicly owned lands within said national forests, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired; all lands so acquired thereafter to be subject to and administered under the laws applicable to lands acquired under the provisions of said act of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended: *Provided*, That the provisions of sections 500 and 501 of title 16 of the United States Code shall not be applicable to receipts so appropriated and expended. Nothing contained in this act, however, shall diminish payments to or expenditures within the State of Wyoming under the provisions of said sections; and any appropriated amounts which are, or which heretofore have been, unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts."

SEC. 2. The act of May 11, 1938 (52 Stat. 347), which authorizes the appropriation of receipts from the Cache National Forest for the purchase of lands in the State of Utah within the boundaries of said national forest, is hereby amended to read as follows:

"The Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the act of March 1, 1911 (16 U. S. C. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the Cache National Forest in the State of Utah which,

in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States to minimize soil erosion and flood damage; and to pay for said lands from that proportion of the receipts derived from the sale of natural resources, other than mineral, and the occupancy of publicly owned lands within said national forest which is equal to that proportion of the gross area of said national forest situated in the State of Utah which receipts are hereby authorized to be appropriated for expenditure for that purpose until said lands have been acquired; all lands so acquired thereafter to be subject to and administered under the laws applicable to lands acquired under the provisions of said act of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended: *Provided*, That the provisions of sections 500 and 501 of title 16 of the United States Code shall not be applicable to receipts so appropriated and expended. Nothing contained in this act, however, shall diminish payments to or expenditures within the State of Idaho under the provisions of said sections; and any appropriated amounts which are, or which heretofore have been, unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts."

SEC. 3. The act of June 15, 1938 (52 Stat. 699), which authorizes the appropriation of receipts from the San Bernardino and Cleveland National Forests for the purchase of lands in the county of Riverside, State of California, within the boundaries of said national forests, is hereby amended to read as follows:

"The Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the act of March 1, 1911 (16 U. S. C. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the San Bernardino and Cleveland National Forests, in the county of Riverside, State of California, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands from those proportions of the receipts derived from the sale of natural resources, other than mineral, and the occupancy of publicly owned lands within said national forests which are equal to the proportions of the net areas of said national forests situated in the county of Riverside, State of California, which receipts are hereby authorized to be appropriated for expenditure for that purpose until said lands have been acquired; all lands so acquired thereafter to be subject to and administered under the laws applicable to lands acquired under the provisions of said act of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended: *Provided*, That the provisions of sections 500 and 501 of title 16 of the United States Code shall not be applicable to receipts so appropriated and expended, but any appropriated amounts which are, or which heretofore have been, unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated, for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts: *Provided further*, That the amounts to which the county of Riverside would otherwise be entitled under section 500 of title 16 of the United States Code shall be reduced by the amounts by which payments to the State

for distribution to counties under that section are reduced pursuant to the above proviso."

SEC. 4. The act of June 25, 1938 (52 Stat. 1205), which authorizes the appropriation of receipts from the Nevada and Toiyabe National Forests for the purchase of lands in the State of Nevada within the boundaries of said national forests, is hereby amended to read as follows:

"The Secretary of Agriculture is hereby authorized to acquire by purchase any lands within the boundaries of the Nevada and Toiyabe National Forests in the State of Nevada which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage or promote efficiency and economy of administration, and to pay for said lands from the receipts derived from the sale of natural resources, other than mineral, and the occupancy of publicly owned lands within said national forests, which receipts are hereby authorized to be appropriated for that purpose to the extent of amounts not exceeding \$10,000 per annum until said lands have been acquired; all lands so acquired thereafter to be subject to and administered under the laws applicable to lands acquired under the provisions of said act of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended: *Provided*, That the provisions of sections 500 and 501 of title 16 of the United States Code shall not be applicable to receipts so appropriated and expended. Any appropriated amounts which are, or which heretofore have been, unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts."

SALE AND CONVEYANCE OF CERTAIN LAND BY WAR FOOD ADMINISTRATOR

The bill (H. R. 3618) to authorize the War Food Administrator to sell and convey to Mrs. Andrew J. Frey, and her heirs, a certain tract of land, situated in the county of San Joaquin, State of California, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 454) dividing the State of Florida into two judicial districts, defining the territory embraced in each, and fixing the time of holding term of court therein, was announced as next in order.

MR. ANDREWS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

MANAGEMENT AND OPERATION OF NAVAL PLANTATIONS OUTSIDE CONTINENTAL UNITED STATES

The Senate proceeded to consider the bill (S. 1634) to provide for the management and operation of naval plantations outside the continental United States, which had been reported from the Committee on Naval Affairs, with an amendment; on page 2, at the end of line 2, to change the period to a colon, and to insert "*Provided further*, That except for the plantation at the Naval Operating Base, Trinidad, British West Indies, no plantation or farming operations shall be undertaken by the Secretary of the Navy without the prior approval of the Naval Affairs Committees

of the Senate and the House of Representatives, and thereafter similar approval for the continuance of any plantation and farming operation, including the operation of the plantation at Trinidad, shall be obtained annually on or before June 30 of each year: *Provided further*, That statements relating to each operation showing the receipt and expenditure of money, data on production, and recommendations for the continuance or abandonment of each project, shall be made by the Secretary of the Navy as of December 31 of each year: *And provided further*, That notwithstanding the foregoing provisions, commanding officers, pursuant to the authority contained in this act, may undertake local gardening projects for the purpose of furnishing fresh vegetables to messes, whenever the production of vegetables is considered practicable and fresh vegetables are not otherwise available and funds are administratively allocated to the costs of a garden project", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy is authorized, under such regulations as he may prescribe, to manage, operate, maintain, and improve plantations and farms outside the continental limits of the United States, directly by the United States or under such lease, contract, or other arrangement as he may find suitable and in the interest of the United States, for the purpose of furnishing food and food products to the armed forces of the United States and the personnel thereof, and to civilians serving with the armed forces: *Provided*, That no land shall be acquired for the purpose: *Provided further*, That except for the plantation at the Naval Operating Base, Trinidad, British West Indies, no plantation or farming operations shall be undertaken by the Secretary of the Navy without the prior approval of the Naval Affairs Committees of the Senate and the House of Representatives, and thereafter similar approval for the continuance of any plantation and farming operation, including the operation of the plantation at Trinidad, shall be obtained annually on or before June 30 of each year: *Provided further*, That statements relating to each operation showing the receipt and expenditure of money, data on production, and recommendations for the continuance or abandonment of each project, shall be made by the Secretary of the Navy as of December 31 of each year: *And provided further*, That notwithstanding the foregoing provisions, commanding officers, pursuant to the authority contained in this act, may undertake local gardening projects for the purpose of furnishing fresh vegetables to messes, whenever the production of vegetables is considered practicable and fresh vegetables are not otherwise available and funds are administratively allocated to the costs of a garden project.

SEC. 2. Appropriations for the subsistence of naval personnel shall be available for any and all expenditures necessary in the management, operation, maintenance, and improvement of any such plantation or farm: *Provided*, That equipment, material, and supplies required therein may be purchased without regard to section 3709 of the Revised Statutes and other laws applicable to purchases by governmental agencies.

SEC. 3. Food and food products and other property incidental to the operation of any plantation or farm may be sold under such regulations as may be issued by the Secretary of the Navy without regard to the provisions of other law relating to the sale of Government property, and all funds and moneys received or accruing from such sales shall be

APPROPRIATION OF RECEIPTS FROM CERTAIN NATIONAL FORESTS FOR THE PURCHASE OF LANDS WITHIN THE BOUNDARIES OF SUCH FORESTS

MAY 4, 1944.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. GRANGER, from the Committee on Agriculture, submitted the following

REPORT

[To accompany S. 1618]

The Committee on Agriculture, to whom was referred the bill (S. 1618) to amend the acts of August 26, 1935 (49 Stat. 866), May 11, 1938 (52 Stat. 347), June 15, 1938 (52 Stat. 699), and June 25, 1938 (52 Stat. 1205), which authorizes the appropriation of receipts from certain national forests for the purchase of lands within the boundaries of such forests, to provide that any such receipts not appropriated or appropriated but not expended or obligated shall be disposed of in the same manner as other national-forest receipts, and for other purposes, having considered the same, report thereon with a recommendation that it do pass, without amendment.

An identical bill was introduced in the Seventy-seventh Congress at the request of the Department of Agriculture. The letter written at that time by the Under Secretary is thought sufficient explanation for this report and is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, October 31, 1941.

Hon. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. RAYBURN: There is enclosed draft of a bill to correct an undesirable situation with respect to several acts authorizing appropriation of national-forest receipts for the purchase of lands. The need for the proposed amending legislation is briefly explained below:

The acts of August 26, 1935, May 11, 1938, June 15, 1938, and June 25, 1938, which the suggested bill would amend, authorize the appropriation of receipts of the Uinta, Wasatch, and Cache National Forests in Utah; the San Bernardino and Cleveland National Forests in Riverside County, Calif.; and the Nevada and Toiyabe National Forests in Nevada for the purchase of lands within those forests or portions thereof. These acts make no provision for disposal of the forest receipts in the event all or part thereof is not appropriated or for disposition of any

appropriated amounts unused. Usually not all of the receipts have been appropriated and of the amounts appropriated balances have remained unobligated at the close of the year for which appropriated.

The act of May 23, 1908, as amended (16 U. S. C. 500), provides for distribution through the State to the counties in which the various national forests are located of 25 percent of the national-forest receipts, to be used for road and school purposes. At the time the four acts above mentioned were passed, it probably was the intention that any portion of the receipts not expended for land purchase would be disposed of in the same manner as other national-forest receipts, the counties thereby receiving 25 percent of such unutilized balances. However, in decision A-89669, dated June 6, 1939, the Comptroller General held that the authorization to appropriate the receipts for acquisition of land operated to suspend with respect to these forests the laws relating to distribution of national-forest receipts until such time as the land-acquisition program is completed. It may be many years before the acquisition program is completed. So long as any private land remains within a national forest there is always a possibility that at some time it may be acquired at a price reasonable for national-forest purposes. The effect of the ruling therefore may be to withhold indefinitely from the counties concerned their share of the national-forest receipts regardless of the fact that no lands are being purchased or that receipts are not being appropriated.

The proposed bill would amend the three acts affected by sections 1, 2, and 3 thereof to authorize the usual distribution of any receipts not appropriated for the purchase of land and of any appropriated amounts not obligated within the period for which appropriated, the result being that, as to these receipts, the counties would receive the share to which entitled under the act of May 23, 1908, and road expenditures could be made therefrom as provided by the act of March 4, 1913. The act authorizing appropriation of receipts of the Nevada and Toiyabe National Forests provides that the appropriated amounts are to be available until expended. In order to make this act uniform with acts authorizing the use of receipts from other national forests for land-acquisition purposes, the proposed bill would amend it to provide for appropriations on a fiscal-year basis, as well as to provide for the usual distribution of any receipts which are not appropriated or which, though appropriated, remain unobligated.

Later acts relating to appropriation of national-forests receipts for purchase of land have specifically provided that amounts unappropriated or appropriated and unobligated would be disposed of in the same manner as other national-forest receipts. (Acts approved March 5, June 11 (2), and June 17, 1940, Public, Nos. 427, 589, 591, and 637, 76th Cong., 3d sess.) The proposed amendment of the four acts recited in the enclosed draft would place those acts in the same status with respect to unappropriated or unobligated amounts as the four just mentioned, and in fairness to the States and counties concerned it is strongly recommended that the bill be passed.

The Bureau of the Budget has advised that there is no objection to submission of the proposed bill for consideration of the Congress.

Sincerely,

PAUL H. APPLEBY,
Under Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

(Public 337—74th Congress)

[That the] The Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 [(U. S. C., title 16, sec. 513)] (*16 U. S. C. 513*), is hereby authorized to acquire by purchase any lands within the boundaries of the Uinta and Wasatch National Forests, in the State of Utah, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands from the [entire] receipts *derived* from the sale of natural

resources, other than mineral, [or] and the occupancy of publicly owned [land] lands within [the Uinta and Wasatch National Forests,] said national forests, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired []; all lands so acquired thereafter to be subject to and administered under the laws applicable to lands acquired under the provisions of said Act of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended: Provided, That the provisions of sections 500 and 501 of title 16 of the United States Code shall not be applicable to receipts so appropriated and expended. Nothing contained in this Act, however, shall diminish payments to or expenditures within the State of Wyoming under the provisions of said sections; and any appropriated amounts which are, or which heretofore have been, unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts."

(Public 505—75th Congress)

[That the] The Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 [(U. S. C., title 16, sec. 513),] (16 U. S. C. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the Cache National Forest in the State of Utah which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States [as] to minimize soil erosion and flood damage; and to pay for said lands that proportion of the [entire] receipts derived from the sale of natural resources, other than mineral, and the occupancy of publicly owned lands within said national forest which is equal to that proportion of the gross area of said national forest situated in the State of Utah which receipts are hereby [is] authorized to be appropriated for expenditure for that purpose [by the Secretary of Agriculture] until said lands have been acquired []. So far as the State of Utah may be concerned, the provisions of the Acts of May 23, 1908 (35 Stat. 260); section 500, title 16, United States Code, of March 4, 1913 (37 Stat. 843); and section 501, title 16, United States Code, shall be inoperative in relation to the receipts so appropriated, but nothing herein contained shall diminish payments to or expenditures within the State of Idaho under the provisions of said Acts. [] all lands so acquired thereafter to be subject to and administered under the laws applicable to lands acquired under the provisions of said Act of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended: Provided, That the provisions of sections 500 and 501 of title 16 of the United States Code shall not be applicable to receipts so appropriated and expended. Nothing contained in this Act, however, shall diminish payments to or expenditures within the State of Idaho under the provisions of said sections; and any appropriated amounts which are, or which heretofore have been, unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts.

(Public 634—75th Congress)

[That the] The Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 [(U. S. C., title 16, sec. 513),] (16 U. S. C. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the San Bernardino and Cleveland National Forests, in the county of Riverside, State of California, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands from those proportions of the [entire] receipts derived from the sale of natural resources [other than mineral], other than mineral, [or] and the occupancy of [public and] publicly owned lands [within the San Bernardino and Cleveland National Forests] within said national forests which are equal to the [proportion] proportions of the net areas of said national forests [which are within] situated in the county of Riverside, State of California, which receipts are hereby authorized to be appropriated for expenditure for that purpose until said lands have been acquired []; Provided, That so long as said receipts are used in the manner herein authorized, the provisions of the Act approved May 23, 1908 (U. S. C., title 16,

sec. 500), shall not be applicable to said county of Riverside.]; all lands so acquired thereafter to be subject to and administered under the laws applicable to lands acquired under the provisions of said Act of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended: *Provided, That the provisions of sections 500 and 501 of title 16 of the United States Code shall not be applicable to receipts so appropriated and expended, but any appropriated amounts which are, or which heretofore have been, unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated, for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts: Provided further, That the amounts to which the county of Riverside would otherwise be entitled under section 500 of title 16 of the United States Code shall be reduced by the amounts by which payments to the State for distribution to counties under that section are reduced pursuant to the above proviso."*

(Public 748—75th Congress)

[That the] The Secretary of Agriculture [be and] is hereby authorized [in his discretion] to acquire by purchase any lands within the boundaries of the Nevada and Toiyabe National Forests in the State of Nevada which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage or promote efficiency and economy of administration, and to pay for said lands from the receipts derived from the sale of natural resources, other than mineral, and [from] the occupancy of [public lands] publicly owned lands within [the Nevada and Toiyabe National Forests] said national forests [to which end appropriations of said receipts not exceeding \$10,000 per annum are hereby authorized until said lands have been acquired, the funds so appropriated to be available until expended for that purpose] which receipts are hereby authorized to be appropriated for that purpose to the extent of amounts not exceeding \$10,000 per annum until said lands have been acquired; all lands so acquired thereafter to be subject to and administered under the laws applicable to lands acquired under the provisions of said Act of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended: *Provided, That the provisions of sections 500 and 501 of title 16 of the United States Code shall not be applicable to receipts so appropriated and expended. Any appropriated amounts which are, or which heretofore have been, unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts.*



Union Calendar No. 483

78TH CONGRESS
2D SESSION

S. 1618

[Report No. 1416]

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 1944

Referred to the Committee on Agriculture

MAY 4, 1944

Committed to the Committee of the Whole House on the state of the Union
and ordered to be printed

AN ACT

To amend the Acts of August 26, 1935 (49 Stat. 866), May 11, 1938 (52 Stat. 347), June 15, 1938 (52 Stat. 699), and June 25, 1938 (52 Stat. 1205), which authorizes the appropriation of receipts from certain national forests for the purchase of lands within the boundaries of such forests, to provide that any such receipts not appropriated or appropriated but not expended or obligated shall be disposed of in the same manner as other national-forest receipts, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the Act of August 26, 1935 (49 Stat. 866), which
- 4 authorizes the appropriation of receipts from the Uinta and
- 5 Wasatch National Forests for the purchase of lands in the

1 State of Utah within the boundaries of said national forests,
2 is hereby amended to read as follows:

3 “The Secretary of Agriculture, with the approval of the
4 National Forest Reservation Commission established by sec-
5 tion 4 of the Act of March 1, 1911 (16 U. S. C. 513), is
6 hereby authorized to acquire by purchase any lands within
7 the boundaries of the Uinta and Wasatch National Forests,
8 in the State of Utah, which, in his judgment, should become
9 the property of the United States in order that they may be
10 so managed with other lands of the United States as to
11 minimize soil erosion and flood damage, and to pay for said
12 lands from the receipts derived from the sale of natural
13 resources, other than mineral, and the occupancy of publicly
14 owned lands within said national forests, which receipts are
15 hereby authorized to be appropriated for that purpose until
16 said lands have been acquired; all lands so acquired there-
17 after to be subject to and administered under the laws ap-
18 plicable to lands acquired under the provisions of said Act
19 of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended:
20 *Provided*, That the provisions of sections 500 and 501 of
21 title 16 of the United States Code shall not be applicable
22 to receipts so appropriated and expended. Nothing con-
23 tained in this Act, however, shall diminish payments to or
24 expenditures within the State of Wyoming under the provi-
25 sions of said sections; and any appropriated amounts which

1 are, or which heretofore have been, unexpended and unobli-
2 gated at the close of the fiscal year for which appropriated
3 shall be transferred to the national-forest receipts of that
4 fiscal year, and amounts so transferred and such portions of
5 the receipts of any fiscal year as are not, or heretofore have
6 not been, appropriated for the ensuing fiscal year shall be
7 disposed of in the same manner as other national-forest
8 receipts.”

9 SEC. 2. The Act of May 11, 1938 (52 Stat. 347),
10 which authorizes the appropriation of receipts from the
11 Cache National Forest for the purchase of lands in the State
12 of Utah within the boundaries of said national forest, is
13 hereby amended to read as follows:

14 “The Secretary of Agriculture, with the approval of
15 the National Forest Reservation Commission established by
16 section 4 of the Act of March 1, 1911 (16 U. S. C. 513),
17 is hereby authorized to acquire by purchase any lands within
18 the boundaries of the Cache National Forest in the State
19 of Utah which, in his judgment, should become the prop-
20 erty of the United States in order that they may be so
21 managed with other lands of the United States to minimize
22 soil erosion and flood damage; and to pay for said lands
23 from that proportion of the receipts derived from the sale
24 of natural resources, other than mineral, and the occupancy
25 of publicly owned lands within said national forest which

1 is equal to that proportion of the gross area of said national
2 forest situated in the State of Utah which receipts are
3 hereby authorized to be appropriated for expenditure for
4 that purpose until said lands have been acquired; all lands
5 so acquired thereafter to be subject to and administered
6 under the laws applicable to lands acquired under the pro-
7 visions of said Act of March 1, 1911 (16 U. S. C. 519,
8 520, 521), as amended: *Provided*, That the provisions of
9 sections 500 and 501 of title 16 of the United States Code
10 shall not be applicable to receipts so appropriated and
11 expended. Nothing contained in this Act, however, shall
12 diminish payments to or expenditures within the State of
13 Idaho under the provisions of said sections; and any appro-
14 priated amounts which are, or which heretofore have been,
15 unexpended and unobligated at the close of the fiscal year
16 for which appropriated shall be transferred to the national-
17 forest receipts of that fiscal year, and amounts so transferred
18 and such portions of the receipts of any fiscal year as are
19 not, or heretofore have not been, appropriated for the en-
20 suing fiscal year shall be disposed of in the same manner
21 as other national-forest receipts."

22 SEC. 3. The Act of June 15, 1938 (52 Stat. 699),
23 which authorizes the appropriation of receipts from the San
24 Bernardino and Cleveland National Forests for the purchase
25 of lands in the county of Riverside, State of California,

1 within the boundaries of said national forests, is hereby
2 amended to read as follows:

3 “The Secretary of Agriculture, with the approval of the
4 National Forest Reservation Commission established by sec-
5 tion 4 of the Act of March 1, 1911 (16 U. S. C. 513), is
6 hereby authorized to acquire by purchase any lands within
7 the boundaries of the San Bernardino and Cleveland Na-
8 tional Forests, in the county of Riverside, State of Cali-
9 fornia, which, in his judgment, should become the property
10 of the United States in order that they may be so man-
11 aged with other lands of the United States as to minimize
12 soil erosion and flood damage, and to pay for said lands from
13 those proportions of the receipts derived from the sale of
14 natural resources, other than mineral, and the occupancy of
15 publicly owned lands within said national forests which are
16 equal to the proportions of the net areas of said national
17 forests situated in the county of Riverside, State of California,
18 which receipts are hereby authorized to be appropriated for
19 expenditure for that purpose until said lands have been ac-
20 quired; all lands so acquired thereafter to be subject to and
21 administered under the laws applicable to lands acquired
22 under the provisions of said Act of March 1, 1911, (16
23 U. S. C. 519, 520, 521), as amended: *Provided*, That
24 the provisions of sections 500 and 501 of title 16 of the
25 United States Code shall not be applicable to receipts so

1 appropriated and expended, but any appropriated amounts
2 which are, or which heretofore have been, unexpended and
3 unobligated at the close of the fiscal year for which appro-
4 priated shall be transferred to the national-forest receipts of
5 that fiscal year, and amounts so transferred and such por-
6 tions of the receipts of any fiscal year as are not, or hereto-
7 fore have not been, appropriated, for the ensuing fiscal year
8 shall be disposed of in the same manner as other national-
9 forest receipts: *Provided further*, That the amounts to which
10 the county of Riverside would otherwise be entitled under
11 section 500 of title 16 of the United States Code shall be
12 reduced by the amounts by which payments to the State for
13 distribution to counties under that section are reduced pur-
14 suant to the above proviso.”

15 SEC. 4. The Act of June 25, 1938 (52 Stat. 1205),
16 which authorizes the appropriation of receipts from the
17 Nevada and Toiyabe National Forests for the purchase of
18 lands in the State of Nevada within the boundaries of said
19 national forests, is hereby amended to read as follows:

20 “The Secretary of Agriculture is hereby authorized to
21 acquire by purchase any lands within the boundaries of the
22 Nevada and Toiyabe National Forests in the State of Ne-
23 vada which, in his judgment, should become the property
24 of the United States in order that they may be so managed
25 with other lands of the United States as to minimize soil

1 erosion and flood damage or promote efficiency and economy
2 of administration, and to pay for said lands from the receipts
3 derived from the sale of natural resources, other than mineral,
4 and the occupancy of publicly owned lands within said
5 national forests, which receipts are hereby authorized to be
6 appropriated for that purpose to the extent of amounts not
7 exceeding \$10,000 per annum until said lands have been
8 acquired; all lands so acquired thereafter to be subject to
9 and administered under the laws applicable to lands acquired
10 under the provisions of said Act of March 1, 1911 (16
11 U. S. C. 519, 520, 521), as amended: *Provided*, That the
12 provisions of sections 500 and 501 of title 16 of the United
13 States Code shall not be applicable to receipts so appro-
14 priated and expended. Any appropriated amounts which are,
15 or which heretofore have been, unexpended and unobligated
16 at the close of the fiscal year for which appropriated shall
17 be transferred to the national-forest receipts of that fiscal
18 year, and amounts so transferred and such portions of the
19 receipts of any fiscal year as are not, or heretofore have not
20 been, appropriated for the ensuing fiscal year shall be dis-
21 posed of in the same manner as other national-forest receipts."

Passed the Senate March 14 (legislative day, February
7), 1944.

Attest:

EDWIN A. HALSEY,

Secretary.

AN ACT

To amend the Acts of August 26, 1935 (49 Stat. 866), May 11, 1938 (52 Stat. 347), June 15, 1938 (52 Stat. 699), and June 25, 1938 (52 Stat. 1205), which authorizes the appropriation of receipts from certain national forests for the purchase of lands within the boundaries of such forests, to provide that any such receipts not appropriated or appropriated but not expended or obligated shall be disposed of in the same manner as other national-forest receipts, and for other purposes.

MARCH 16, 1944

Referred to the Committee on Agriculture

MAY 4, 1944

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

of the bill is not here. I should like for him to be here before it is stricken from the Calendar.

Mr. COLE of New York. That is quite satisfactory. Is it the gentleman's intention to apply for a rule for the consideration of the bill?

Mr. RANKIN. I should certainly want to consult the author of the bill at any rate.

Mr. COLE of New York. Very well. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. CASE. Mr. Speaker, reserving the right to object to that request, would the gentleman from Mississippi consider making the bill applicable to persons who have served in a civilian capacity under jurisdiction of the Quartermaster General in the Indian Wars? The reason I ask that is because in South Dakota there is an old gentleman 94 years old who was original United States marshal in South Dakota, who served with the Quartermaster General in the early Indian Wars. He is now almost blind. He represents a type of man who ought to be included in this bill. His name is Ben Ash and he is one of the most respected citizens in our State. He was the first white child born in the State; yet he is not entitled to consideration because he served in a civilian capacity.

Mr. RANKIN. I may say to the gentleman from South Dakota that this bill provides only for hospitalization and the privilege of the soldiers' homes. As far as I individually am concerned I would have no objection to extending it to take in the man to whom the gentleman referred, because he is old; he served back in those days when frontier service was more or less precarious and when his services were equal to those of a soldier. He has not many more years to live at best. I feel by him just as I do by these men covered by this bill. If these men were now serving in the same capacity in this war they would get hospitalization, as the gentleman from California explained the other day.

I would rather have the bill go over without prejudice until the gentleman from California [Mr. WELCH] returns.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. COLE]?

There was no objection.

DELEGATION OF AUTHORITY TO EMPLOY PERSONS IN DEPARTMENTS OF FIELD SERVICE.

The Clerk called the next bill, H. R. 1725, to authorize heads of departments and agencies to delegate to subordinates the authority to employ persons for duty in departments or the field service.

Messrs. SMITH of Ohio, GROSS, and WILSON objected.

PENSIONS AND COMPENSATION TO CERTAIN PERSONS RECEIVING RETIRED PAY

The Clerk called the next bill, S. 771, to provide for payment of pensions and compensation to certain persons who are receiving retired pay.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That where any person authorized to receive military or naval retired pay in accordance with any provision of law would be eligible to receive pension or compensation under the laws administered by the Veterans' Administration, if he were not on the retired list in the case of Regular Army or Regular Navy personnel, or if he were not in receipt of retired pay in the case of other Army or Navy personnel, he may waive receipt of retired pay and allowances for the purpose of receiving such pension or compensation; and thereafter such person may waive receipt of such pension or compensation for the purpose of receiving retired pay and allowances. To prevent concurrent payments, when waiver of receipt of retired pay and allowances for the purpose of receiving pension or compensation is filed in the War Department or the Navy Department, the Department concerned shall notify the Veterans' Administration of the receipt of such waiver and the effective date of the stoppage of retired pay and allowances. Similar report to the War or Navy Department shall be rendered by the Veterans' Administration, when waiver of receipt of pension or compensation is filed in the Veterans' Administration for the purpose of receiving retired pay and allowances.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That any person who is receiving pay pursuant to any provision of law relating to the retirement of persons in the regular military or naval service, and who would be eligible to receive pension or compensation under the laws administered by the Veterans' Administration if he were not receiving such retired pay, shall be entitled to receive such pension or compensation upon the filing by such person with the department by which such retired pay is paid of a waiver of so much of his retired pay and allowances as is equal in amount to such pension or compensation. To prevent duplication of payments, the department with which any such waiver is filed shall notify the Veterans' Administration of the receipt of such waiver, the amount waived, and the effective date of the reduction in retired pay."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STATE OF MAINE

The Clerk called the next bill, H. R. 3250, to confer jurisdiction upon the United States District Court of Maine.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the United States District Court for the District of Maine, sitting as a court of admiralty, to hear, determine, and render judgment as to the liability of the United States, upon the claim of the State of Maine, for compensation for damages sustained by its bridge across the Kennebec River at Bath, Maine, known as the Carlton Bridge, resulting from said bridge being struck by the lighthouse tender *Nex*, owned and operated by the United States, which collision occurred on the 17th day of August 1939.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That jurisdiction is hereby conferred upon the District Court of the United States for the District of Maine

to hear, determine, and render judgment, as though the United States were suable in tort, upon the claim of the State of Maine, for compensation for damages sustained by its bridge across the Kennebec River at Bath, Maine, known as the Carlton Bridge, resulting from said bridge being struck by the lighthouse tender *Nex*, owned and operated by the United States, which collision occurred on the 17th day of August 1939: *Provided*, That suit hereunder shall be instituted within 6 months following the approval of the act: *Provided further*, That the jurisdiction herein conferred shall not be exercised unless the State of Maine shall consent to suit in the same cause on any counterclaim asserted by the United States arising out of the same transaction, as though the State of Maine were a private party."

Mr. GOODWIN. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. GOODWIN: Page 2, line 12, after the word "within", strike out the word "six" and insert in place thereof the word "eighteen."

Mr. GOODWIN. Mr. Speaker, this is a corrective amendment to bring the bill in line with what was actually reported by the committee. The report of the bill is in error. The committee report is "eighteen" instead of "six," the occasion being that the Legislature of the State of Maine will not meet within the next 6 months.

The SPEAKER. The question is on the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING NIGHT DIFFERENTIAL FOR CERTAIN EMPLOYEES IN THE BUREAU OF ENGRAVING AND PRINTING

The Clerk called the next bill, H. R. 3891, to provide night differential for certain employees.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That all employees of the Bureau of Engraving and Printing who hold positions in the clerical-mechanical service, and who are assigned to perform their work at night, shall be paid a rate of compensation which is 15 percent in excess of the day rate for the same work: *Provided*, That night work shall be construed to mean all work on any established shift or tour of duty, half or more of which occurs after 6 o'clock postmeridian or before 6 o'clock antemeridian.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPROPRIATION OF RECEIPTS FROM CERTAIN NATIONAL FORESTS

The Clerk called the next bill, S. 1618, to amend the acts of August 26, 1935 (49 Stat. 866), May 11, 1938 (52 Stat. 347), June 15, 1938 (52 Stat. 699), and June 25, 1938 (52 Stat. 1205), which authorizes the appropriation of receipts from certain national forests for the purchase

of lands within the boundaries of such forests, to provide that any such receipts not appropriated or appropriated but expended or obligated shall be disposed of in the same manner as other national-forest receipts, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act of August 26, 1935 (49 Stat. 866), which authorizes the appropriation of receipts from the Uinta and Wasatch National Forests for the purchase of lands in the State of Utah within the boundaries of said national forests, is hereby amended to read as follows:

"The Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the act of March 1, 1911 (16 U. S. C. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the Uinta and Wasatch National Forests, in the State of Utah, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands from the receipts derived from the sale of natural resources, other than mineral, and the occupancy of publicly owned lands within said national forests, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired; all lands so acquired thereafter to be subject to and administered under the laws applicable to lands acquired under the provisions of said act of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended: *Provided*, That the provisions of sections 500 and 501 of title 16 of the United States Code shall not be applicable to receipts so appropriated and expended. Nothing contained in this act, however, shall diminish payments to or expenditures within the State of Wyoming under the provisions of said sections; and any appropriated amounts which are, or which heretofore have been, unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts."

Sec. 2. The act of May 11, 1938 (52 Stat. 347), which authorizes the appropriation of receipts from the Cache National Forest for the purchase of lands in the State of Utah within the boundaries of said national forest, is hereby amended to read as follows:

"The Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the act of March 1, 1911 (16 U. S. C. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the Cache National Forest in the State of Utah which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States to minimize soil erosion and flood damage; and to pay for said lands from that proportion of the receipts derived from the sale of natural resources, other than mineral, and the occupancy of publicly owned lands within said national forest which is equal to that proportion of the gross area of said national forest situated in the State of Utah which receipts are hereby authorized to be appropriated for expenditure for that purpose until said lands have been acquired; all lands so acquired thereafter to be subject to and administered under the laws applicable to lands acquired under the provisions of said act of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended: *Provided*, That the provisions of sections 500 and 501 of title 16 of the United States Code

shall not be applicable to receipts so appropriated and expended. Nothing contained in this act, however, shall diminish payments to or expenditures within the State of Idaho under the provisions of said sections; and any appropriated amounts which are, or which heretofore have been, unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts."

Sec. 3. The act of June 15, 1938 (52 Stat. 699), which authorizes the appropriation of receipts from the San Bernardino and Cleveland National Forests for the purchase of lands in the county of Riverside, State of California, within the boundaries of said national forests, is hereby amended to read as follows:

"The Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the act of March 1, 1911 (16 U. S. C. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the San Bernardino and Cleveland National Forests, in the county of Riverside, State of California, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands from those proportions of the receipts derived from the sale of natural resources, other than mineral, and the occupancy of publicly owned lands within said national forests which are equal to the proportions of the net areas of said national forests situated in the county of Riverside, State of California, which receipts are hereby authorized to be appropriated for expenditure for that purpose until said lands have been acquired; all lands so acquired thereafter to be subject to and administered under the laws applicable to lands acquired under the provisions of said act of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended: *Provided*, That the provisions of sections 500 and 501 of title 16 of the United States Code shall not be applicable to receipts so appropriated and expended, but any appropriated amounts which are, or which heretofore have been, unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated, for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts: *Provided further*, That the amounts to which the county of Riverside would otherwise be entitled under section 500 of title 16 of the United States Code shall be reduced by the amounts by which payments to the State for distribution to counties under that section are reduced pursuant to the above proviso."

Sec. 4. The act of June 25, 1938 (52 Stat. 1205), which authorizes the appropriation of receipts from the Nevada and Toiyabe National Forests for the purchase of lands in the State of Nevada within the boundaries of said national forests, is hereby amended to read as follows:

"The Secretary of Agriculture is hereby authorized to acquire by purchase any lands within the boundaries of the Nevada and Toiyabe National Forests in the State of Nevada which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage or promote efficiency and economy of adminis-

tration, and to pay for said lands from the receipts derived from the sale of natural resources, other than mineral, and the occupancy of publicly owned lands within said national forests, which receipts are hereby authorized to be appropriated for that purpose to the extent of amounts not exceeding \$10,000 per annum until said lands have been acquired; all lands so acquired thereafter to be subject to and administered under the laws applicable to lands acquired under the provisions of said act of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended: *Provided*, That the provisions of sections 500 and 501 of title 16 of the United States Code shall not be applicable to receipts so appropriated and expended. Any appropriated amounts which are, or which heretofore have been, unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts."

The bill was ordered to be read the third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSFERRING GOVERNMENT ACTIVITIES IN CONNECTION WITH DOMESTIC RABBITS TO THE DEPARTMENT OF AGRICULTURE.

The Clerk called the next bill, H. R. 4404, to transfer Government activities in connection with domestic rabbits to the Department of Agriculture.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That all activities of the Federal Government which affect the breeding, raising, marketing, or any other phase of production or distribution of domestic rabbits are hereby transferred from the Fish and Wildlife Service of the Department of the Interior to the Department of Agriculture and shall be assigned to such bureau, branch, or section of the Department of Agriculture as the Secretary of Agriculture shall prescribe.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CUSTODIAL-SERVICE EMPLOYEES OF THE POST OFFICE DEPARTMENT

The Clerk called the next bill, H. R. 4215, to extend to the custodial-service employees of the Post Office Department certain benefits applicable to postal employees.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, in recent years the House has passed bills relating to custodial employees of the Post Office Department, I should like to ask some member of the Committee on Post Offices to explain the difference between this bill and the other bills which have heretofore passed the House relating to custodial employees.

Mr. MURRAY of Tennessee. Mr. Speaker, those bills were passed prior to the time custodial employees became full-fledged employees of the Post Office Department. Up until last year when Congress passed a certain act, these custodial employees were in the Treasury Department and were not by legislation

[PUBLIC LAW 310—78TH CONGRESS]

[CHAPTER 204—2D SESSION]

[S. 1618]

AN ACT

To amend the Acts of August 26, 1935 (49 Stat. 866), May 11, 1938 (52 Stat. 347), June 15, 1938 (52 Stat. 699), and June 25, 1938 (52 Stat. 1205), which authorizes the appropriation of receipts from certain national forests for the purchase of lands within the boundaries of such forests, to provide that any such receipts not appropriated or appropriated but not expended or obligated shall be disposed of in the same manner as other national-forest receipts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 26, 1935 (49 Stat. 866), which authorizes the appropriation of receipts from the Uinta and Wasatch National Forests for the purchase of lands in the State of Utah within the boundaries of said national forests, is hereby amended to read as follows:

"The Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (16 U. S. C. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the Uinta and Wasatch National Forests, in the State of Utah, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands from the receipts derived from the sale of natural resources, other than mineral, and the occupancy of publicly owned lands within said national forests, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired; all lands so acquired thereafter to be subject to and administered under the laws applicable to lands acquired under the provisions of said Act of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended: *Provided*, That the provisions of sections 500 and 501 of title 16 of the United States Code shall not be applicable to receipts so appropriated and expended. Nothing contained in this Act, however, shall diminish payments to or expenditures within the State of Wyoming under the provisions of said sections; and any appropriated amounts which are, or which heretofore have been, unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts."

SEC. 2. The Act of May 11, 1938 (52 Stat. 347), which authorizes the appropriation of receipts from the Cache National Forest for the purchase of lands in the State of Utah within the boundaries of said national forest, is hereby amended to read as follows:

"The Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act

of March 1, 1911 (16 U. S. C. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the Cache National Forest in the State of Utah which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States to minimize soil erosion and flood damage; and to pay for said lands from that proportion of the receipts derived from the sale of natural resources, other than mineral, and the occupancy of publicly owned lands within said national forest which is equal to that proportion of the gross area of said national forest situated in the State of Utah which receipts are hereby authorized to be appropriated for expenditure for that purpose until said lands have been acquired; all lands so acquired thereafter to be subject to and administered under the laws applicable to lands acquired under the provisions of said Act of March 1, 1911 (16 U. S. C., 519, 520, 521), as amended: *Provided*, That the provisions of sections 500 and 501 of title 16 of the United States Code shall not be applicable to receipts so appropriated and expended. Nothing contained in this Act, however, shall diminish payments to or expenditures within the State of Idaho under the provisions of said sections; and any appropriated amounts which are, or which heretofore have been, unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts."

SEC. 3. The Act of June 15, 1938 (52 Stat. 699), which authorizes the appropriation of receipts from the San Bernardino and Cleveland National Forests for the purchase of lands in the county of Riverside, State of California, within the boundaries of said national forests, is hereby amended to read as follows:

"The Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (16 U. S. C. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the San Bernardino and Cleveland National Forests, in the county of Riverside, State of California, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands from those proportions of the receipts derived from the sale of natural resources, other than mineral, and the occupancy of publicly owned lands within said national forests which are equal to the proportions of the net areas of said national forests situated in the county of Riverside, State of California, which receipts are hereby authorized to be appropriated for expenditure for that purpose until said lands have been acquired; all lands so acquired thereafter to be subject to and administered under the laws applicable to lands acquired under the provisions of said Act of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended: *Provided*, That the provisions of sections 500 and 501 of title 16 of the United States Code shall not be applicable to receipts so appropriated and expended, but any appropriated amounts which are, or which heretofore have been,

unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated, for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts: *Provided further*, That the amounts to which the county of Riverside would otherwise be entitled under section 500 of title 16 of the United States Code shall be reduced by the amounts by which payments to the State for distribution to counties under that section are reduced pursuant to the above proviso."

SEC. 4. The Act of June 25, 1938 (52 Stat. 1205), which authorizes the appropriation of receipts from the Nevada and Toiyabe National Forests for the purchase of lands in the State of Nevada within the boundaries of said national forests, is hereby amended to read as follows:

"The Secretary of Agriculture is hereby authorized to acquire by purchase any lands within the boundaries of the Nevada and Toiyabe National Forests in the State of Nevada which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage or promote efficiency and economy of administration, and to pay for said lands from the receipts derived from the sale of natural resources, other than mineral, and the occupancy of publicly owned lands within said national forests, which receipts are hereby authorized to be appropriated for that purpose to the extent of amounts not exceeding \$10,000 per annum until said lands have been acquired; all lands so acquired thereafter to be subject to and administered under the laws applicable to lands acquired under the provisions of said Act of March 1, 1911 (16 U. S. C. 519, 520, 521), as amended: *Provided*, That the provisions of sections 500 and 501 of title 16 of the United States Code shall not be applicable to receipts so appropriated and expended. Any appropriated amounts which are, or which heretofore have been, unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year, and amounts so transferred and such portions of the receipts of any fiscal year as are not, or heretofore have not been, appropriated for the ensuing fiscal year shall be disposed of in the same manner as other national-forest receipts."

Approved May 26, 1944.

